

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

In re the Guardianship of:)	No. 78023-9-I
FRANCES CHRISTINE NICKESON,)	
)	DIVISION ONE
CASCADE GUARDIANSHIP SERVICES,)	
Guardian of the Person and the Estate,)	UNPUBLISHED OPINION
)	
Respondent,)	
)	
v.)	
)	FILED: November 19, 2018
STATE OF WASHINGTON)	
DEPARTMENT OF SOCIAL AND)	
HEALTH SERVICES,)	
)	
Appellant.)	

PER CURIAM — The Department of Social and Health Services (Department) appeals an order denying its motion to revise an order approving the fees of the guardian for Frances Nickeson. The Department contends the order is flawed in several respects: (1) it requires that *all* of Nickeson's income be used to pay the guardian's fees and costs when only \$333 per month is available to pay those fees under applicable Medicaid rules, and (2) it essentially compels the Department to perform a discretionary act in a particular way by mandating that it waive, in whole or in part, Nickeson's obligation to pay room and board. The Department asks this court to remand for an order that provides for payment of the guardian's fees in the manner described above and consistent with Medicaid regulations.

In response, counsel for Nickeson's guardian filed a "Notice to Not Contest," which states in part that the guardian "will not be filing a responsive brief and consents that the [relief] requested by DSHS be granted."

We accept respondent's concession of error and remand for further proceedings consistent with this opinion.

FOR THE COURT:

Mama, ACT

Chen, J.

Vandenberg

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